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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000329

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KHUM](#) [TH](#)
SUBJECT: AMBASSADOR'S JANUARY 17 MEETING WITH CONSTITUTION
ASSEMBLY CHAIRMAN

REF: BANGKOK 00110 (CONSTITUTION ASSEMBLY PRESIDENT
FORESEES FAST PROGRESS)

Classified By: AMBASSADOR RALPH L. BOYCE. REASON 1.4 (B,D)

11. (C) Summary. In a January 17 meeting with the Ambassador, Constitution Drafting Assembly Chairman Noranit Setabutr expanded on ref comments on the timeline for drafting a new constitution, saying "we cannot shorten the process." Drafting the charter will likely take the full four months, followed by two months of consultations, amendments and preparations for the public referendum to approve the charter. The Ambassador impressed on Noranit Washington's strong interest in seeing a swift return to democracy--as promised by Thai leaders--and urged that the process be accelerated where possible. Noranit confirmed that public approval of the new charter was far from certain and public outreach efforts to explain the constitution would be crucial to its passage. While drafting has not yet begun, Noranit said that the drafters will likely focus on the need for improved checks and balances on the Prime Minister, and suggested that an appointed senate would help fulfill this role. End Summary.

TIMELINE TO THE NEW CONSTITUTION

12. (C) In an introductory call by the Ambassador on January 17, Chairman of the 100 member Constitution Drafting Assembly (CDA) Noranit Setabutr confirmed that the CDA had selected 25 members to draft the new constitution. According to Noranit, this Constitution Drafting Committee (CDC) should meet for the first time next week, after the Council on National Security (CNS) selects an additional ten members. Noranit further expanded on his public comments on the timeline for a new charter (ref) saying that the CDC will take four months to draft the constitution, followed by 30 days of mandatory consultations with legal experts, government agencies and 12 different universities, followed by an additional 30 days of debate and amendment with the 100 member CDA. Only then will the draft constitution be put to a public referendum for approval. "We cannot shorten the process," he said. According to Noranit, the drafters of the interim constitution provided a very tight, fixed schedule for designing a new, democratic charter. He underscored that if the CDA's draft fails to win public approval, military leaders will choose the next constitution on their own,

selecting one of Thailand's numerous previous charters, as specified in the interim constitution. Noranit quickly added that he hoped this would not be necessary.

13. (C) The Ambassador explained that the USG is extremely interested in the mechanics of returning Thailand to democracy as soon as possible, and looks to government leaders such as Prime Minister Surayud Chulanont and CNS Chair GEN Sonthi Boonyaratglin to hold to their public commitments to do so. Noranit said that the CDC and CDA will try to "speed up the process" as much as possible, but underscored how much work both bodies have to do to produce a new constitution that is capable of passing a public referendum. While the CDC will shortly begin drafting the new constitution, the CDA will be consumed with preparations for the referendum, including public outreach efforts to explain the process. "That is not easy; we have to explain to the people what the new constitution means for the future of politics," he said. Noranit echoed recent comments by other Thai leaders (septel) that passage of the new constitution may be more difficult than originally envisioned. The Ambassador reiterated that any acceleration in the process will be welcomed by Washington, while delays are likely to inspire serious concerns.

THE ROLE OF THE SENATE

14. (C) Turning to the substance of the new draft, Noranit confirmed that the 1997 constitution will likely serve as the template for the new charter. While he cautioned that work on the charter has not yet begun, Noranit said that the

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drafters will have to focus on providing effective checks and balances on a strong executive branch. The 1997 constitution provided several independent institutions to check the Prime Minister, but they were not effective.

15. (C) Noranit agreed with the Ambassador's comment that the nature of the senate will be a contentious issue, especially if the senate retains responsibility for overseeing and selecting members for independent institutions designed to check the Prime Minister. Noranit pointed out that, in the modern era, the third constitution after 1932 was the first to provide for an elected bicameral legislature, but that system was ousted less than two years later. Appointed senate seats had then become a regular part of government, according to Noranit, until 1997, when a non-political elected senate was established. Noranit seemed to suggest that his preference was for an appointed upper house, saying "now people have experience with an elected senate." He dismissed the U.S. model of an openly partisan upper house, saying that even appointing half and electing half would be preferable, if complicated, asking "how do those two sides, one elected, one appointed, work together?"

OTHER ISSUES AHEAD

16. (C) The Ambassador asked if the issue of a "state religion" would likely come up during the drafting. With a wry smile Noranit replied that "every time we draft (a constitution) we have to spend time on that!" The Ambassador pointed to the Indonesian example of an officially secular government that recognizes several different religions. Turning to another topic of current debate, Noranit some CDA members have discussed reviving some elements of the pre-1997 electoral system, including larger constituencies for members of parliament. He added that some politicians and political parties are already lobbying for this change, as it would make it easier for smaller parties to win seats in parliament. Noranit agreed with the Ambassador's comment that this would in turn make it easier to return to the bad old days of large, unwieldy coalitions, weak prime ministers

and a powerful but often capricious parliament.
BOYCE